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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,839	01/30/2004	Takamune Suzuki	1341.1180	4580
21171	7590	07/17/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			VAUTROT, DENNIS L	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,839	<b>Applicant(s)</b> SUZUKI, TAKAMUNE	
	<b>Examiner</b> Dennis L. Vautrot	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 3, 5 – 8, and 10 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by **Coram et al.** (US 2002/0107835).

3. Regarding claim 1, **Coram et al.** (hereinafter **Coram**) teaches an application server that retrieves data from a database using a retrieval request (See page 3, paragraph [0039] “In operation 202, RS cache 106 receives a database request from application 102.”), which includes a retrieval condition, received from a terminal (See page 4, paragraph [0040] “For example, in SQL implementations, “SELECT” database requests are determined to be informational and therefore potential candidates for cache processing.” SQL queries are referred to in the application's specification as a type of retrieval condition.) and transmits the data retrieved as a retrieval result to the terminal (See page 4, paragraph [0045] “Result sets generated for informational

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database requests are returned to RS cache 106, which then returns the result set to application 102 in response to the request.”), comprising: a cache memory that stores in a correlated form the retrieval condition and the retrieval result (See page 3, paragraph [0035] “For those result sets that are selected for caching, storing a key based in part or in whole on the associated database request along with the result set is used to determine whether subsequent requests can be satisfied by the cached result set.”); an update condition setting unit that sets a cache update condition that indicates when the cache memory is to be updated (See page 4, paragraph [0048] “Any result sets determined to be potentially affected by the request are invalidated in operation.”); and an update processing unit that reads the retrieval condition from the cache memory upon fulfillment of the cache update condition, retrieves data as the retrieval result from the database using the retrieval condition and updates the retrieval result in the cache memory corresponding to the retrieval condition (See page 4, paragraph [0048] “As a result, subsequent requests for the invalidated result sets will be processed by database 104, and will therefore correctly reflect the updated data.”)

4. Regarding claims 2 and 7, **Coram** teaches the update condition setting unit sets the cache update condition based on a database update condition that indicates when the database is updated (See page 4, paragraph [0048] “Upon receiving a database request in operation 202 and determining that the request is not informational in operation, a determination is made...as to whether the received database request will potentially affect the data underlying one or more of the result sets stored in RS cache

106. Any result sets determined to be potentially affected by the request are invalidated in operation. As a result, subsequent requests for the invalidated result sets will be processed by database 104 and will therefore correctly reflect the updated data.” In other words, if the database was updated based on a previous request, the ‘cache update required’ is marked, and the database is used for the subsequent calls.)

5. Regarding claims 3 and 8, **Coram** teaches when searching the database, the update processing unit acquires a database update condition that indicates when the database is updated and the update condition setting unit sets the cache update condition based on the database update condition acquired (See page 5, paragraph [0051] “If database 104, via triggers, transaction logs, or some other mechanism were to provide notification of updates to RS cache 106, the cache could use this information to handle invalidations.” Here, the trigger, log, or other mechanism is what sends the update condition to the cache.)

6. Regarding claims 5 and 10, **Coram** teaches the update processing unit sets next and subsequent cache update conditions using a date and a time of the retrieval result updated (See page 1, paragraph [0013] “One conventional approach is to employ a least recently used (LRU) algorithm, where the most stale result set (i.e., the result set that has gone the longest without being used) is dropped when the cache reaches maximum capacity...LRU can be implemented with a simple timestamp.” One example of updating the cache is by deleting old result sets, as occurs here.)

7. Regarding claims 6 and 11, **Coram** teaches a cache program and an application server system that stores a retrieval request (See page 3, paragraph [0039] "In operation 202, RS cache 106 receives a database request from application 102."), that includes a retrieval condition and that is received from a terminal (See page 4, paragraph [0040] "For example, in SQL implementations, "SELECT" database requests are determined to be informational and therefore potential candidates for cache processing." SQL queries are referred to in the application's specification as a type of retrieval condition.); and a retrieval result retrieved using the retrieval request in a correlated form in a cache memory (See page 3, paragraph [0035] "For those result sets that are selected for caching, storing a key based in part or in whole on the associated database request along with the result set is used to determine whether subsequent requests can be satisfied by the cached result set."); reads a retrieval result from the cache memory when a retrieval request identical to the retrieval request stored in the cache memory is received (See page 4, paragraph [0041] "This determination can be made by comparing the received database request to the request associated with each result set saved in the RS cache"), and that makes a computer execute: setting a cache update condition that indicates when the cache memory is to be updated (See page 4, paragraph [0048] "Any result sets determined to be potentially affected by the request are invalidated in operation."); and reading the retrieval condition from the cache memory upon fulfillment of the cache update condition, retrieving data as the retrieval result from the database using the

retrieval condition, and updating the retrieval result in the cache memory corresponding to the retrieval condition (See page 4, paragraph [0048] "As a result, subsequent requests for the invalidated result sets will be processed by database 104, and will therefore correctly reflect the updated data.")

8. Regarding claim 12, **Coram** teaches the cache update condition of each application server differs from the cache update condition of any other application server (See page 4, paragraph [0050] "According to an example technique, results sets stored in RS cache might be invalidated after some period of time. This is relatively simple to implement and does not require a synchronization protocol between multiple RS caches 106 servicing a single database." In other words, the different applications with their various caches can all be updated using different conditions and do not be synchronized at any given time.)

9. Regarding claim 13, **Coram** teaches the cache update condition of all the application servers is identical (See page 5, paragraph [0052] "A third option is available whenever all transactional database requests pass through one of the RS caches 106." Here the condition will be identical because they are all passed through the cache.)

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Coram** as applied to claims 1 and 6 above, and further in view of **Torrey et al.** (US 2006/0034267). **Coram** teaches and application server substantially as claimed. **Coram** fails to teach a user sets the cache update condition. However, **Torrey et al.** teaches a user sets the cache update condition. (See page 6, paragraph [0115] "The maintenance system provides access to control the refresh parameters, update conditions, and other maintenance conditions for the LNP cache 108.") It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teaching of **Coram** with the user controlled update condition as disclosed in **Torrey et al.** because allowing the users of the database to control the frequency or the conditions upon which the cache is updated from the database allows for the greatest control over the balance between efficiency of the system and the need for up-to-date information to be available directly from the cache as much as possible. It is for this reason that one of ordinary skill in the art would have been motivated to include a user setting the cache update condition.

### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



**Haase** (2005/0044064) teaches query caching, but more of a temporary cache. It does however mention a persistent cache as is used here.


**Eshleman et al.** (2002/0116457) teaches database caching.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L. Vautrot whose telephone number is 571-272-2184. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dv  
9 July 9, 2006

  
Primary Examiner  
Art Unit 2167